

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Claims 6 and 33-35 have been canceled without prejudice. Claims 1, 14, 21 and 22 have been amended. Consequently, claims 1-5 and 7-32 are currently pending and under consideration.

Independent Claim 1

On page 2 of the Office Action, independent claim 1 was “rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,887,824 to Zatlin.” Applicants have amended claim 1 to indicate that the “magnetic means comprises a first magnet associated with the first member and a second magnet associated with the second member, said *first magnet being coaxially aligned with respect to said second magnet.*” Support for this amendment can be found in the application at paragraph 3 of page 2, the first full paragraph of page 5, the paragraph bridging pages 10 and 11, and Figures 1, 2, 5, and 6 (and the associated description in the specification).

Zatlin does not anticipate claim 1 because it fails to disclose all of the features now recited in claim 1. For example, Zatlin fails to expressly or inherently disclose the “*first magnet being coaxially aligned with respect to said second magnet.*” Instead Zatlin discloses radially displaced magnets. Zatlin discloses a first pair of magnets 26 mounted on the periphery and a second pair of magnets 32 embedded within the periphery (col. 1, ll. 57-65; and Fig. 3). “The magnets 32 will align with magnets 26 once the wheel mount 22 is assembled so that magnets 32 are repelled by magnets 26 to orient a post 34 in a desired relationship.” (Col. 1, ll. 62-65; and Fig. 3) Considering Zatlin fails to disclose all the features recited in independent claim 1, it does not anticipate claim 1. For these and other reasons, it is submitted that independent claim 1 and its dependent claims are allowable over the references of record.

Moreover, the above mentioned feature of recited coaxial alignment of the first magnet and the second magnet provides significant benefits over radially displaced magnets. For example, coaxially aligned magnets enable the castor support structure to have a narrower overall diameter than if radially displaced magnets are used. Moreover, using coaxially aligned magnets enables the space between the magnets and thereby the magnetic flux between the magnets to be much more easily and accurately controlled (e.g., by adjustment of a screw, page 5

of the application) than if radially displaced magnets were used which would require disassembly of the Zatlin device and substitution of at least mount 24 and disk 30.

Independent Claim 14

On page 2 of the Office Action, independent claim 14 was “rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,887,824 to Zatlin.” Applicants have amended claim 14 to indicate that the “components of said at least one pair of co-operable components mounted on each plate are co-axially aligned with respect to one another.” Support for this amendment can be found in the application at paragraph 3 of page 2, the first full paragraph of page 5, the paragraph bridging pages 10 and 11, and Figures 1, 2, 5, and 6 (and the associated description in the specification).

Zatlin does not anticipate claim 14 because it fails to disclose all of the features now recited in claim 14. For example, Zatlin fails to expressly or inherently disclose the “*components of said at least one pair of co-operable components mounted on each plate are co-axially aligned with respect to one another.*” As mentioned previously, Zatlin discloses radially displaced magnets. Zatlin discloses a first pair of magnets 26 mounted on the periphery and a second pair of magnets 32 embedded within the periphery (col. 1, ll. 57-65; and Fig. 3). “The magnets 32 will align with magnets 26 once the wheel mount 22 is assembled so that magnets 32 are repelled by magnets 26 to orient a post 34 in a desired relationship.” (Col. 1, ll. 62-65; and Fig. 3) Considering Zatlin fails to disclose all the features recited in independent claim 1, it does not anticipate claim 14. For these and other reasons, it is submitted that independent claim 14 and its dependent claims are allowable over the references of record.

OBVIOUSNESS

Dependent claims 9, 17-19

On page 3 of the Office Action, claims 9, 17-19 were “finally rejected under 35 U.S.C. 103(a) as being unpatentable over Zatlin.” It is believed that independent claim 1, as currently amended, and its dependent claims 9, 17-19 are allowable over the references of record. As stated above, Zatlin does not explicitly disclose the elements recited in amended claim 1. For these and other reasons, the Applicant’s respectfully submit that independent claim 1 along with

its dependent claims 9, 17-19 are allowable over the references of record and request that the rejection of these claims under 35 U.S.C. § 103 be withdrawn.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the undersigned representative by telephone.

Respectfully submitted,

By / Elizabeth A. Shuster, #52,672 /
Elizabeth A. Shuster, Reg. No. 52672
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456